

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EVE S. MORAWSKI,

Plaintiff,

-against-

HSM GROUP, HSM AMERICAS, INC.,
ENRIQUE AZUAGA, CARLOS ROHM,
and ADAM BLEIFELD,

Defendants.
-----X

Case No.: 08 Civ. 1919 (RMB)

**ANSWER WITH
AFFIRMATIVE DEFENSES
ON BEHALF OF
DEFENDANTS**

Defendants, HSM GROUP, HSM AMERICAS, INC., ENRIQUE AZUAGA, CARLOS ROHM, and ADAM BLEIFELD, by and through their counsel Greenberg Traurig, LLP, submit their answer and affirmative defenses to the Complaint of Plaintiff, EVE MORAWSKI, and state:

1. It is admitted that Plaintiff performed services for Defendant HSM America, Inc. from approximately August 1, 2005 through September 30, 2005 as an independent contractor pursuant to the terms of a Consulting Agreement between her and HSM. All remaining allegations contained in paragraph 1 of the Complaint are denied.

2. It is admitted that Plaintiff was hired by HSM America, Inc. as an independent contractor. All remaining allegations contained in paragraph 2 of the Complaint are denied.

3. The allegations contained in paragraph 3 of the Complaint are denied.

4. The allegations contained in paragraph 4 of the Complaint are denied.

5. The allegations contained in paragraph 5 of the Complaint are denied.

6. The allegations contained in paragraph 6 of the Complaint are denied.

All allegations above not specifically admitted are hereby denied. It is denied that Plaintiff is entitled to any relief.

FIRST AFFIRMATIVE DEFENSE

Plaintiff was an independent contractor and therefore has no standing to bring any of the claims asserted in the Complaint.

SECOND AFFIRMATIVE DEFENSE

Plaintiff never had any employment relationship with “HSM Group” and therefore that entity should be dismissed as a party to the litigation.

THIRD AFFIRMATIVE DEFENSE

The Complaint is devoid of any allegations with respect to Carlos Rohm, and therefore he should be dismissed as a party to the litigation.

FOURTH AFFIRMATIVE DEFENSE

The Complaint is devoid of any allegations with respect to Adam Bleifeld, and therefore he should be dismissed as a party to the litigation.

FIFTH AFFIRMATIVE DEFENSE

The Complaint fails to allege any facts that would support a claim against Enrique Azuaga, and therefore he should be dismissed as a party to the litigation.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff’s complaint is impermissibly vague in asserting that she “worked for Respondents” and therefore the Complaint should be dismissed.

SEVENTH AFFIRMATIVE DEFENSE

The Complaint fails to allege sufficient facts that would support a claim for discrimination under any theory alleged, and therefore the Complaint should be dismissed as to all Defendants.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff voluntarily terminated her affiliation with Defendant HSM America, Inc., and therefore may not assert any claim against Defendant.

NINTH AFFIRMATIVE DEFENSE

Plaintiff was offered employment with Defendant HSM America, Inc., but Plaintiff rejected the offer and therefore may not bring any claim against Defendants.

TENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to state a cause of action upon which relief may be granted in that Plaintiff has failed to allege any facts that would establish a causal connection between any adverse action against her and any unlawful conduct under the statutes that form the basis for her claims.

ELEVENTH AFFIRMATIVE DEFENSE

To the extent any adverse actions were taken against Plaintiff by one or more of the Defendants, such actions were based upon legitimate nondiscriminatory reasons, and not on any issue related to gender or age, or in retaliation for any alleged opposition by her to any alleged discriminatory practice or conduct.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred because she has failed to mitigate any damages to which she might be entitled.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff has not alleged any facts that would entitle her to an award of punitive damages and therefore all such claims should be stricken.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendant would have taken the same actions with respect to Plaintiff whether or not the actions alleged in Plaintiff's Complaint had or had not occurred.

FIFTEENTH AFFIRMATIVE DEFENSE

The Complaint is multifarious in that it impermissibly combines in one count claims for gender discrimination, age discrimination and retaliation under three separate statutes.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are time barred, in whole or in part.

SEVENTEENTH AFFIRMATIVE DEFENSE

There is no subject matter jurisdiction over HSM Group because it does not have sufficient employees to establish jurisdiction over that entity pursuant to any statute that forms the basis for the claims in this action.

Respectfully submitted,
GREENBERG TRAURIG, LLP
Attorneys for Defendants
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Facsimile: (212) 805-9386

By: /s/ Eric B. Sigda
Eric B. Sigda (ES-1827)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 7, 2008, I cause the foregoing document to be electronically filed with the Court using CM / ECF. I also certify that the foregoing document is being served upon Eve Morawski, pro se, P.O. Box 32, Maplewood, New Jersey 07040 in the manner specified, either via transmission of Notices of Electronic Filing generated by CM / ECF or other authorized manner if not authorized to receive Notices of Electronic Filing.

/s/ Eric B. Sigda

Eric B. Sigda